

REMARKS

I. Introduction

Claims 13 to 24 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 13 to 15 Under 35 U.S.C. § 103(a)

Claims 13 to 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 2,920,868 ("Ackerman et al."), U.S. Patent No. 5,701,669 ("Meier"), and U.S. Patent No. 4,484,959 ("Boucher et al."). It is respectfully submitted that the combination of Ackerman et al., Meier, and Boucher et al. does not render unpatentable the present claims for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 127 S. Ct. 1727 (2007). Further, the Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. M.P.E.P. §2143.

Claim 13 relates to a method for at least one of (a) manufacturing and (b) repairing a component for a gas turbine by laser-powder build-up welding, including, the features of performing laser-powder build-up welding using at least one substructure, *the material built-up by a powder material occurring in the laser-powder build-up welding such that each substructure is enclosed on all sides by the built-up powder material.*

The combination of Ackerman et al., Meier, and Boucher et al. does not disclose, or even suggest, all of the features included in claim 13. Ackerman et al. merely describes **brazing** walls 13, 14 together at joints 15, 16, 17 around a base portion 12 having a solid core member 18 and wire strands 19. Col. 2, lines 4 to 10, and 15 to 20. Nowhere does Ackerman et al. disclose the feature of *laser-powder*

build-up welding. Further, Ackerman et al. plainly states that the base portion 12 includes **openings** at opposite ends. Col. 2, lines 11 to 15; and Figures 1, 2, and 4. Therefore, contrary to the assertions of the Office Action at page 2, Ackerman et al. does not disclose that its substructure is enclosed on all sides, much less enclosed on all sides by a built-up powder material. Thus, Ackerman et al. does not disclose the feature that *each substructure is enclosed on all sides by a built-up powder material.*

In addition, Meier merely describes lengthening turbine blades 2 using a sheet metal strip 3 matching the outer contour of the blades 2, which sheet metal strip 3 is **removed** after lengthening is completed. Col. 6, lines 57 to 67. Nowhere does Meier even refer to a substructure that is enclosed by built-up powder material. Thus, Meier does not disclose the feature that *each substructure is enclosed on all sides by a built-up powder material.*

Moreover, Boucher et al. merely describes applying a coating to **portions** of rollers, shear blades, or wear plates. Boucher et al., Abstract. In this regard, Boucher et al. plainly shows that coatings 3, 5, 8, 9, 10, 14, 16 do not enclose all sides of the rollers, shear blades, or wear plates. Boucher et al., Figures 1 to 6. Thus, Boucher et al. does not disclose the feature that *each substructure is enclosed on all sides by a built-up powder material.*

Therefore, the combination of Ackerman et al., Meier, and Boucher et al. does not disclose, or even suggest, the features of *material built-up by a powder material occurring in a laser-powder build-up welding such that each substructure is enclosed on all sides by built-up powder material.*

Accordingly, it is respectfully submitted that the combination of Ackerman et al., Meier, and Boucher et al. does not disclose, or even suggest, all of the features included in claim 13. Therefore, it is respectfully submitted that the combination of Ackerman et al., Meier, and Boucher et al. does not render unpatentable claim 13 for at least the foregoing reasons.

As for claims 14 and 15, which ultimately depend from claim 13 and therefore include all of the features included in claim 13, it is respectfully submitted that the combination of Ackerman et al., Meier, and Boucher et al. does not render unpatentable these dependent claims for at least the reasons more fully set forth above.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 16 to 18 Under 35 U.S.C. § 103(a)

Claims 16 to 18 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ackerman et al., Meier, Boucher et al., and U.S. Patent No. 3,697,192 (“Hayes”). It is respectfully submitted that the combination of Ackerman et al., Meier, Boucher et al., and Hayes does not render unpatentable the present claims for at least the following reasons.

Claims 16 to 18 ultimately depend from claim 13. As more fully set forth above, the combination of Ackerman et al., Meier, and Boucher et al. does not disclose, or even suggest, all of the features included in claim 13. Hayes also does not disclose, or even suggest, all of the features included in claim 13, and thus, fails to cure this critical deficiency.

Accordingly, it is respectfully submitted that the combination of Ackerman et al., Meier, Boucher et al., and Hayes does not disclose, or even suggest, all of the features included in claim 13, from which claims 16 to 18 ultimately depend. As such, it is respectfully submitted that the combination of Ackerman et al., Meier, Boucher et al., and Hayes does not render unpatentable claims 16 to 18, which ultimately depend from claim 13.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 19 to 22 Under 35 U.S.C. § 103(a)

Claims 19 to 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ackerman et al., Meier, Boucher et al., and U.S. Patent No. 6,269,540 (“Islam et al.”). It is respectfully submitted that the combination of Ackerman et al., Meier, Boucher et al., and Islam et al. does not render unpatentable the present claims for at least the following reasons.

Claims 19 to 22 ultimately depend from claim 13. As more fully set forth above, the combination of Ackerman et al., Meier, and Boucher et al. does not disclose, or even suggest, all of the features included in claim 13. Islam et al. also does not disclose, or even suggest, all of the features included in claim 13, and thus, fails to cure this critical deficiency.

Accordingly, it is respectfully submitted that the combination of Ackerman et al., Meier, Boucher et al., and Islam et al. does not disclose, or even suggest, all of the features included in claim 13, from which claims 19 to 22 ultimately depend. As such, it is respectfully submitted that the combination of Ackerman et al., Meier, Boucher et al., and Islam et al. does not render unpatentable claims 19 to 22, which ultimately depend from claim 13.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

V. Rejection of Claim 23 Under 35 U.S.C. § 103(a)

Claim 23 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ackerman et al., Meier, Boucher et al., Islam et al., and U.S. Patent No. 5,038,014 (“Pratt et al.”). It is respectfully submitted that the combination of Ackerman et al., Meier, Boucher et al., Islam et al., and Pratt et al. does not render unpatentable the present claim for at least the following reasons.

Claim 23 ultimately depends from claim 13. As more fully set forth above, the combination of Ackerman et al., Meier, Boucher et al., and Islam et al. does not disclose, or even suggest, all of the features included in claim 13. Pratt et al. also does not disclose, or even suggest, all of the features included in claim 13, and thus, fails to cure this critical deficiency.

Accordingly, it is respectfully submitted that the combination of Ackerman et al., Meier, Boucher et al., Islam et al., and Pratt et al. does not disclose, or even suggest, all of the features included in claim 13, from which claim 23 ultimately depends. As such, it is respectfully submitted that the combination of Ackerman et al., Meier, Boucher et al., Islam et al., and Pratt et al. does not render unpatentable claim 23, which ultimately depends from claim 13.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

VI. Rejection of Claim 24 Under 35 U.S.C. § 103(a)

Claim 24 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ackerman et al., Meier, Boucher et al., Islam et al., and U.S. Patent No. 6,682,253 (“Binna et al.”). It is respectfully submitted that the

combination of Ackerman et al., Meier, Boucher et al., Islam et al., and Binna et al. does not render unpatentable the present claim for at least the following reasons.

Claim 24 ultimately depends from claim 13. As more fully set forth above, the combination of Ackerman et al., Meier, Boucher et al., and Islam et al. does not disclose, or even suggest, all of the features included in claim 13. Binna et al. also does not disclose, or even suggest, all of the features included in claim 13, and thus, fails to cure this critical deficiency.

Accordingly, it is respectfully submitted that the combination of Ackerman et al., Meier, Boucher et al., Islam et al., and Binna et al. does not disclose, or even suggest, all of the features included in claim 13, from which claim 24 ultimately depends. As such, it is respectfully submitted that the combination of Ackerman et al., Meier, Boucher et al., Islam et al., and Binna et al. does not render unpatentable claim 24, which ultimately depends from claim 13.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

VII. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Date: February 8, 2011

By: /Clifford A. Ulrich/
Clifford A. Ulrich
Reg. No. 42,194

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200
CUSTOMER NO. 26646